

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**HOLDEN AT ENUGU**  
**ON THURSDAY THE 16TH DAY OF JUNE, 2016**  
**BEFORE THE HONOURABLE JUSTICE M. N. YUNUSA**  
**JUDGE**

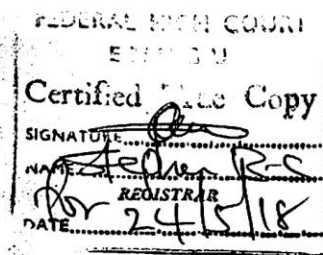
**CHARGE NO: FHC/EN/CR/30/2016**

**BETWEEN:**

**THE FEDERAL REPUBLIC OF NIGERIA      -      COMPLAINANT**  
**AND**  
**1.    FRANK JOSEPH**  
**2.    MMONWUBA VALENTINE                      -      ACCUSED PERSONS**

**J U D G M E N T**

The Accused persons were arraigned before the court on 19<sup>th</sup> day of April, 2016. The three count charge was read and explained to them in English Language and they informed the court that they understood the charge and pleaded guilty. Learned counsel for the prosecution reviewed the facts of the case and tendered certain documents which were admitted in evidence and marked as exhibits without any objection by learned counsel for the defendants.



Counsel urged the court to convict the Accused persons based on their plea and the evidence before the court.

The court considered the plea of guilty and the evidence presented by the prosecution which was not objected to by learned counsel for the Accused and after reviewing same I am of the considered view that the prosecution has prove its case beyond reasonable doubt.


In the light of the above, the Accused person are hereby found guilty and accordingly convicted.

**ALLOCUTUS**

Mba: May I commend the efforts of the court, in view of the circumstances I pray the court to tamper justice with mercy.

The Accused persons are first offenders, they have no criminal records as a matter of fact the 2<sup>nd</sup> convict is a final year Engineering Student, the 1<sup>st</sup> convict is a young boy from the city of Jos who have come to Enugu in search of greener pasture.

It is no longer the law that the provisions of the law with regards to conviction should be followed strictly. May I refer

Certified	by
SIGNATURE	
NAME	Stephen R. C.
REGISTER	
DATE	24/5/18

the court to Section 311, 312, 416 (2) (b) (f) and (k) and 460 (1) of the ACJA 2015.

I wish to state also that the Accused persons have learnt their lessons, I urge the court to consider the application and restore the hope of these young men.

Ajobiewe: There is no record of any previous conviction.

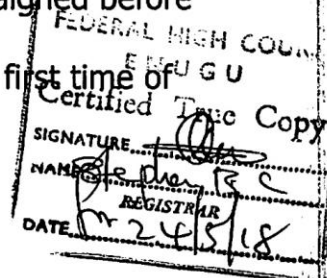
In addition, the convicts were arrested on 21<sup>st</sup> of March and 23<sup>rd</sup> day of March, 2016 respectively.

They did not waste the time of the court, within one week we were through with investigation and we were arraigned before the court on 19<sup>th</sup> day of April, 2016. This is their first time of being brought before the court.

### **SENTENCE**

I have considered the issues raised by learned counsel on both sides.

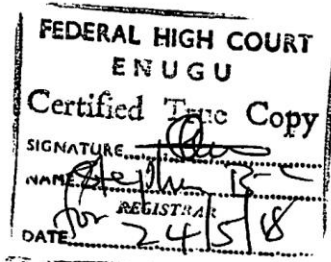
The punishment on conviction for the offence with which the convicts were charged, tried and convicted carries an



imprisonment for a term not exceeding 21 years without the option of fine.

After considering the provisions of section 401, 416 of the ACJA 2015 it is my understanding of the law that the court has a discretion on the issue of sentencing. And after considering the circumstances of the instant case, I hereby make the following orders.

- 1) The 1<sup>st</sup> convict is sentenced to two years imprisonment on the 1<sup>st</sup> count.
- 2) The 2<sup>nd</sup> convict is sentenced to 2 years on the first count.
- 3) The 1<sup>st</sup> convict is sentenced to two years on the second count
- 4) The 1<sup>st</sup> convict is sentenced to two years on the 3<sup>rd</sup> count.
- 5) The sentence in respect of the 1<sup>st</sup> convict shall run concurrently.



*[Signature]*  
**M.N. YUNUSA**  
**JUDGE**  
**16/06/2016**